

SECOND REGULAR SESSION

# HOUSE BILL NO. 2367

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

6143H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 477.650, RSMo, and section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, and to enact in lieu thereof two new sections relating to the expiration of certain funds, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 477.650, RSMo, and section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 476.055 and 477.650, to read as follows:

476.055. 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2018] **2023**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit  
15 court, the commissioner of administration, two members of the house of representatives  
16 appointed by the speaker of the house, two members of the senate appointed by the president pro  
17 tem of the senate and two members of the Missouri Bar. The judge members and employee  
18 members shall be appointed by the chief justice. The commissioner of administration shall serve  
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the  
20 Missouri Bar. Any member of the committee may designate another person to serve on the  
21 committee in place of the committee member.

22 3. The committee shall develop and implement a plan for a statewide court automation  
23 system. The committee shall have the authority to hire consultants, review systems in other  
24 jurisdictions and purchase goods and services to administer the provisions of this section. The  
25 committee may implement one or more pilot projects in the state for the purposes of determining  
26 the feasibility of developing and implementing such plan. The members of the committee shall  
27 be reimbursed from the court automation fund for their actual expenses in performing their  
28 official duties on the committee.

29 4. Any purchase of computer software or computer hardware that exceeds five thousand  
30 dollars shall be made pursuant to the requirements of the office of administration for lowest and  
31 best bid. Such bids shall be subject to acceptance by the office of administration. The court  
32 automation committee shall determine the specifications for such bids.

33 5. The court automation committee shall not require any circuit court to change any  
34 operating system in such court, unless the committee provides all necessary personnel, funds and  
35 equipment necessary to effectuate the required changes. No judicial circuit or county may be  
36 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or  
37 county has the approval of the court automation committee prior to incurring the specific cost.

38 6. Any court automation system, including any pilot project, shall be implemented,  
39 operated and maintained in accordance with strict standards for the security and privacy of  
40 confidential judicial records. Any person who knowingly releases information from a  
41 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that  
42 a judicial record is confidential, uses information from such confidential record for financial gain  
43 is guilty of a class E felony.

44 7. On the first day of February, May, August and November of each year, the court  
45 automation committee shall file a report on the progress of the statewide automation system  
46 with:

- 47 (1) The chair of the house budget committee;  
48 (2) The chair of the senate appropriations committee;  
49 (3) The chair of the house judiciary committee; and

50 (4) The chair of the senate judiciary committee.

51 8. Section 488.027 shall expire on September 1, [2018] **2023**. The court automation  
52 committee established pursuant to this section may continue to function until completion of its  
53 duties prescribed by this section, but shall complete its duties prior to September 1, [2020] **2025**.

54 9. This section shall expire on September 1, [2020] **2025**.

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services  
2 Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys  
3 collected under section 488.031 shall be credited to the fund. In addition to the court filing  
4 surcharges, funds from other public or private sources also may be deposited into the fund and  
5 all earnings of the fund shall be credited to the fund. The purpose of this section is to increase  
6 the funding available for basic civil legal services to eligible low-income persons as such persons  
7 are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

8 2. Funds in the basic civil legal services fund shall be allocated annually and expended  
9 to provide legal representation to eligible low-income persons in the state in civil matters.  
10 Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least  
11 as often as annually, be distributed to the legal services organizations in this state which qualify  
12 for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal  
13 services organizations in this state solely to provide legal services to eligible low-income persons  
14 as such persons are defined by the Federal Legal Services Corporation's Income Eligibility  
15 Guidelines. Fund money shall be subject to all restrictions imposed on such legal services  
16 organizations by law. Funds shall be allocated to the programs according to the funding formula  
17 employed by the Federal Legal Services Corporation for the distribution of funds to this state.  
18 Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal  
19 services fund at the end of any year shall not be transferred to the state's general revenue fund.  
20 Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund  
21 mandated by Article X, Section 15 of the Missouri Constitution. State legal services programs  
22 shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies,  
23 or its officials, with any state funds.

24 3. Contracts for services with state legal services programs shall provide eligible  
25 low-income Missouri citizens with equal access to the civil justice system, with a high priority  
26 on families and children, domestic violence, the elderly, and qualification for benefits under the  
27 Social Security Act. State legal services programs shall abide by all restrictions, requirements,  
28 and regulations of the Legal Services Corporation regarding their cases.

29 4. The Missouri supreme court, or a person or organization designated by the court, is  
30 the administrator and shall administer the fund in such manner as determined by the Missouri  
31 supreme court, including in accordance with any rules and policies adopted by the Missouri

32 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection  
33 of the fee and the implementation and administration of the fund.

34         5. Each recipient of funds from the basic civil legal services fund shall maintain  
35 appropriate records accounting for the receipt and expenditure of all funds distributed and  
36 received pursuant to this section. These records must be maintained for a period of five years  
37 from the close of the fiscal year in which such funds are distributed or received or until audited,  
38 whichever is sooner. All funds distributed or received pursuant to this section are subject to  
39 audit by the Missouri supreme court or the state auditor.

40         6. The Missouri supreme court, or a person or organization designated by the court, shall,  
41 by January thirty-first of each year, report to the general assembly on the moneys collected and  
42 disbursed pursuant to this section and section 488.031 by judicial circuit.

43         7. The provisions of this section shall expire on December 31, [2018] **2025**.

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